

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO/SB/08 A & B filed with the present application, thus indicating that all of the references listed thereon have been considered.

Election/Restriction:

Applicant acknowledges the election of Group I, claims 1-7 and 21 is made without traverse.

Further, Applicant notes that in the Detailed Office Action, the Examiner indicated that claims 19-22 were in Group II. However, Applicant believes this to be typographical error by the Examiner, as claim 21 is included in Group I. Applicant notes that claims 8-20 and 22-25 fall in Group II, as defined by the Examiner.

Applicant also notes that on Form PTO-326 (Office Action Summary) the Examiner has indicated that claims 7-10 and 22-25 have been withdrawn from consideration. Again, Applicant submits that this is an error, because claims 8-20 and 22-25 have been withdrawn from consideration, and claim 7 is in Group I.

Claim Objections:

The Examiner has objected to the claims because of a minor informality. Specifically, the Examiner has indicated that the use of the phrase “a recording medium” for a “memory” is inappropriate and usually applies to things such as paper or a substrate. Applicant respectfully disagrees and submits that the use of “recording medium” in the present claims is proper and acceptable.

Applicant notes that it is well settled that an Applicant can use the words that they wish to describe claim elements, as long as the use of the word or phrase is not contrary to how that word or phrase is understood in the field of the invention. In the present case, Applicant submits that the use of the phrase “recording medium” does not create confusion, or is otherwise inappropriate for use with the present invention.

Specifically, Applicant notes that, in light of the written description of the present application (*see e.g.* page 20, lines 5-10), the use of the term “recording medium” is acceptable. In fact, Applicant notes that within the field of electronic storage devices the term “recording medium” is often used. (Citations Omitted).

Additionally and moreover, Applicant notes that the “recording medium” of the present invention is not limited to a memory storage device. As shown on page 20 of the specification, the use of an integrated circuit is only a preferred method, but Applicant notes that the storage element 90 can be any medium on which data can be recorded, including paper. The specification is not limited to merely an integrated circuit, nor is the claim language to be

interpreted to encompass only the preferred embodiment of the disclosed invention. Applicant notes that any “recording medium” can record the data.

Claim Rejections:

Claims 1-7 and 21 are all of the claims that have been examined in the present application, and currently all of these claims stand rejected.

35 U.S.C. § 102(e) Rejection - Claims 1-4, 6-7 and 21:

Claims 1-4, 6-7 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,360,174 to Shoki. In view of the following discussion, Applicant respectfully disagrees.

Shoki discloses a system which monitors/calculates the amount of ink remaining in an ink cartridge **1**, through the use of a ID data system **10** and an ink quantity calculating section **2**. *See Figure 1, and col. 3, line 64 to col. 4, line 60.* Essentially, the system uses the ID data **10** to identify the quantity of ink within the cartridge **1** and then monitors its use during printing so as to warn the user that the ink quantity may be low. *See id.*

However, Applicant submits that there is no disclosure of any capability to differentiate between ink that was used in printing, and ink that was not used in printing. In fact, Applicant notes that the system in Shoki will not provide the user with an accurate reading of the level of ink within the cartridge. Stated differently, the Shoki system determines the amount of ink left in a cartridge based on the original capacity of the cartridge and the number of ink dots printed. Therefore, when the printer is cleaned (causing the loss of ink), the Shoki system is incapable of monitoring this loss, and thus its later calculations on the ink level will not be accurate.

Therefore, from a cumulative stand point, the system in Shoki will provide relatively inaccurate readings, as the determined level is based on a calculation of the amount used during actual printing. There is no consideration of ink which is consumed in non-printing operations.

In view of the foregoing, Applicant submits that Shoki fails to disclose each and every feature of the claimed invention, as set forth in claims 1 and 21. Therefore, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of these claims. Further, as claims 2-4 and 6-7 depend on claim 1, Applicant submits that these claims are also allowable, at least by reason of their dependence.

35 U.S.C. § 103(a) Rejection - Claim 5:

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoki in view of U.S. Patent No. 6,334,658 to Suzuki. However, because claim 5 depends on claim 1, and because Suzuki fails to cure the deficient teachings of Shoki with respect to claim 1, Applicant submits that claim 5 is also allowable, at least by reason of its dependence.

Conclusion:

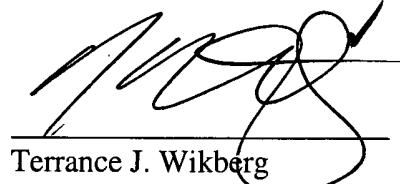
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/092,616

Our Ref.: Q68810
Art Unit: 28533

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Terrance J. Wikberg
Registration No. 47,177

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

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APPENDIX



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 8-20 and 22-25 are canceled.

The claims are amended as follows:

1. (Amended) A coloring agent amount recording apparatus recording an amount of a printing coloring agent, said apparatus comprising:

an information obtaining portion obtaining information on an amount of the printing coloring agent that is consumed, wherein said amount was not used in actual printing; and

an information writing portion writing onto a recording medium the information on the amount obtained by said information obtaining portion.

21. (Amended) A coloring agent cartridge containing a printing coloring agent, said cartridge comprising a recording medium on which information on an amount of the printing coloring agent that is consumed is recorded, wherein said amount was not used in actual printing is recorded.

Claims 26 and 27 are added as new claims.